

Exhibit D

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

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In Re Bard IVC Filters Products
Liability Litigation

No. MD-15-02641-PHX-DGC

* * * * *

DO NOT DISCLOSE - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW

VIDEOTAPED DEPOSITION OF TIMOTHY A. FISCHER

TAKEN AT: Quarles & Brady
LOCATED AT: 411 East Wisconsin Avenue
Milwaukee, WI

March 29, 2017
8:38 a.m. to 3:08 p.m.
REPORTED BY ANITA K. FOSS
REGISTERED PROFESSIONAL REPORTER

* * * * *

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14

I N D E X

15

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17	Mr. O'Connor.	5
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21 E X H I B I T S

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23		
	1 Guiding principles.	35
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	2 Sales brochure.	47

25

1 Q. That's when Jack was a district manager?

2 A. District manager, correct.

3 Q. And what were your responsibilities as a
4 sales representative?

5 A. To represent Bard products to hospitals
6 and physicians, teach them how to use them or --
7 well, teach their staff how to prep them for a case
8 if they were going to use them, talk to them about
9 new products, and things of that nature.

10 Q. Did you know Dr. Joshua Riebe?

11 A. I don't recognize that name.

12 Q. Did you look at any medical records
13 regarding Debra Tinlin?

14 A. No, I don't -- I haven't reviewed any
15 records on her.

16 Q. Did you understand that this case, you're
17 here to testify in a case involving Debra Tinlin?

18 A. That's my understanding.

19 Q. What do you know about Debra Tinlin?

20 A. I don't know a ton about her. Something
21 filter fracture I think is -- and migration of
22 the -- of the fractured piece.

23 Q. Did you --

24 A. That's it.

25 Q. -- obtain that information from a

1 could learn about these complaints and adverse
2 events would be from a sales rep telling them?

3 A. My understanding is all -- were you going
4 to say something?

5 MR. LERNER: I was going to say objection
6 to form, but you can respond.

7 THE WITNESS: My understanding was that
8 Bard reported all of the events to the MAUDE
9 database and -- and so, no, I mean, there was not
10 another place that anybody could go see whatever
11 was reported.

12 BY MR. GRAHAM:

13 Q. So it was your expectation that every
14 time a sales rep called in a complaint as part of,
15 you know, whatever process that complaint, Bard
16 would then put that into the MAUDE database?

17 A. I think any device-related complaint went
18 to the MAUDE database.

19 Q. It's your expectation that Bard would do
20 that for every -- every adverse event experienced
21 for the Recovery filter?

22 A. For every product, yeah.

23 Q. Earlier you had said the name Dr. Joshua
24 Riebe does not ring a bell to you?

25 A. It doesn't.

1 Q. Am I might be pronouncing it wrong. It's
2 spelled R-I-E-B-E.

3 A. Doesn't ring a bell to me.

4 Q. Was Columbia St. Mary's hospital one of
5 yours customers?

6 A. Columbia St. Mary's was.

7 Q. Would it make sense if I said Dr. Riebe
8 was a doctor at Columbia St. Mary's?

9 A. At Columbia St. Mary's? Nope.

10 Q. Do you remember who your contact was at
11 Columbia St. Mary's?

12 A. I think it was Bob Barris.

13 Q. Was he a doctor?

14 A. Interventional radiologist.

15 Q. Was he the only one you would sell
16 filters to at Columbia St. Mary's?

17 A. Yeah. That wasn't a big practice of
18 mine. So I think that group may have covered
19 Community Memorial Menomonee Falls as well. And
20 that would have been Dr. Lane. I mean, it's been a
21 dozen years. So a number of the groups in the
22 Milwaukee area covered multiple facilities, so
23 sometimes they had physicians that stuck at one
24 facility and other times rotate around. But no, so
25 there may have been other physicians in that group

1 of days I spent sitting in physician's offices
2 having long conversations.

3 Q. And Dr. Riebe, if I'm pronouncing his
4 name right, is the doctor that implanted the filter
5 in this case. Do you have any recollection of
6 having any conversation with him ever about IVC
7 filters?

8 A. I don't -- I don't know who he is. I
9 don't recall ever meeting him.

10 Q. And so because you don't recall him, I
11 assume you have no recollection that you ever
12 provided him any brochures or pamphlets related to
13 the Recovery filter?

14 A. I don't recall ever providing him any of
15 those things.

16 Q. I want to go over a few of the documents.
17 I'm not going to go over all 25, just a handful of
18 the documents that you were shown today. Let's
19 look at Exhibit 10, which was a memo from Temple.
20 And at the very top of that document it says,
21 "Review of FDA manufacturing user facility device
22 experience database, MAUDE." So the MAUDE database
23 is something that we talked about earlier today?

24 A. Yes.

25 Q. And that information that was available